

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, September 29, 2016**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Janet Carter Bernardo, Artie Crocker, Stephen Farr, Peter Oehlkers, Alison Richardson, Cory Rhoades (arrived @ 7:40 p.m.), Sharon Soltzberg, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Mal Cullen, Ross Donald, Jennifer Flagel, Howard Goldman, Brian Picariello, Bruce Ricciardelli, Angie Verge, Desheng Wang,

J. Carter Bernardo opened the public meeting at 7:30 pm.

**MISCELLANEOUS BUSINESS:**

Motion to approve the Meeting Minutes of July 14, 2016 by S. Farr, seconded by P. Oehlkers, approved 6-0-0.

Motion to approve the Meeting Minutes of September 15, 2016 by S. Farr, seconded by P. Oehlkers, approved 6-0-0.

**ENFORCEMENT & VIOLATION UPDATES:**

NONE

**HEARINGS**

**1283 CENTRAL AVENUE – NOTICE OF INTENT (DEP FILE #234-766)**

J. Carter Bernardo opened the Public Hearing at 7:45 pm.

The Applicant's Representative, Dr. Desheng Wang, presented the proposed project.

D. Wang gave a brief overview of the existing conditions on site including:

- In 2005, two (2) houses were constructed out of the three (3) lot subdivision.
- The remaining lot has little in the way of a tree layer and is mainly vegetated by low growing invasive plants such as Japanese Knotweed and Oriental Bittersweet.
- An intermittent stream fed by street runoff exists off site to the east. An isolated wetland fed by groundwater breakout was located.
- There had been some blasting of ledge on the site in preparation for building when the other homes were constructed.

A soil test pit had been dug and D. Wang will submit the test pit results to the Commission but noted the soil type is mainly sand, possibly due to the filling in of a pool previously located in the same area. The new roof area will infiltrate to a recharge system. The square footage of the proposed house will be 2,770 square feet with 1,296 square feet located in the 100-foot Buffer Zone. There was a discussion regarding the existing vegetation on-site and its potential for wildlife habitat and the need to protect the 50-foot Buffer Zone.

D. Wang suggested the Commission could Condition the Permit to require seeding with a wildlife conservation seed mix in the 50-foot Buffer Zone and limit the amount of lawn allowed. There was discussion regarding the Applicant's intent to remove ledge in order to add space for infiltration. D. Wang stated he would need to talk with his clients, who were unable to attend the meeting, to determine more details about what they are proposing within the 50-foot Buffer Zone in regards to removal of ledge and existing vegetation. M. Varrell noted that in the case of a perched wetland, D. Wang's suggestion that by splitting open the rocks in the ledge to allow water to infiltrate can, in certain circumstances, result in the water supporting the wetland disappearing.

D. Wang stated that one (1) 40-inch dbh eastern white pine tree is proposed for removal due to its leaning towards the proposed house. It's located just outside the 25-foot Buffer Zone. They propose leaving a large snag to provide habitat. J. Carter Bernardo noted the tree is not indicated on the plan for removal. The Commission stated they need clarification on several issues and additional information in order to close the hearing and issue a Permit. The Commission is willing to work with the Applicant to improve the 50-foot Buffer Zone as long as a proper Waiver Request is submitted.

The Commission expressed concern regarding the proposed removal of the large pine tree. D. Wang stated that all trees more than 8-inches in diameter located in the 50-foot Buffer Zone were surveyed onto the plan.

An abutter, Howard Goldman, expressed his concern about the potential removal of the large pine tree that he feels is very healthy and historic to the property. He noted there is abundant wildlife in that area and hopes most of the vegetation will remain.

The Commission will perform a site visit prior to the next meeting.

***Motion to continue the public hearing for 1283 Central Avenue (DEP FILE #234-766) to October 27, 2016 at 7:45 pm. by S. Farr, seconded by S. Soltzberg, approved 7-0-0.***

**0 ROSEMARY STREET (ROSEMARY POOL) – continued NOTICE OF INTENT (DEP FILE #234-764)**

J. Carter Bernardo opened the public hearing at 8:30 pm.

J. Carter Bernardo stated that the Applicant had requested a continuance to the next meeting on October 13, 2016.

***Motion to continue the public hearing for 0 Rosemary Street (Rosemary Pool) (DEP File #234-764) to October 13, 2016 at 8:00 p.m. by S. Farr, seconded by C. Rhoades, approved 7-0-0.***

**16 WINFIELD ROAD (DEP FILE #234-767) – continued NOTICE OF INTENT**

J. Carter Bernardo opened the public hearing at 8:30 pm.

The Applicant, Jennifer Flagel was present.

M. Varrell stated that a revised plan had been submitted showing the relocation of the erosion control to the edge of Bank. The DEP File number has been issued. The Applicant had requested the Commission reconsider their request to use herbicides within the 25-foot Buffer Zone to control garlic mustard. M. Varrell stated that as long as pulling the plants during the

proper timeframe is done, there will be little seed dispersal and no herbicides would be required. The Commission will not allow the use of herbicides in the 25-foot Buffer Zone.

***Motion to close the public hearing for 16 Winfield Road (DEP File #234-767), by S. Farr, seconded by S. Soltzberg, approved 7-0-0.***

***Motion to approve a waiver request from Town Regulations for work within the 25-foot Buffer Zone for 60 Winfield Road (DEP File #234-767) by A. Crocker, seconded by C. Rhoades, approved 7-0-0.***

***Motion to approve a waiver of the Waiver Fee for work within the 25-foot Buffer Zone for 60 Winfield Road (DEP File #234-767) by A. Crocker, seconded by C. Rhoades, approved 7-0-0.***

***Motion to issue an Order of Conditions for 60 Winfield Road (DEP File #234-767) by S. Farr, seconded by C. Rhoades, approved 7-0-0.***

## **OTHER BUSINESS**

### **REQUEST FOR USE OF RIDGE HILL RESERVATION – POLLARD SCHOOL**

D. Anderson explained that Pollard School teacher, Ken Lundbergh had requested the use of Ridge Hill Reservation for their yearly team building exercises on October 7, 2016.

***Motion to approve the use of Ridge Hill for team building activities by the Pollard School on October 7, 2016, as requested, by S. Soltzberg, seconded by P. Oehlkers, approved 7-0-0.***

### **REQUEST FOR A CERTIFICATE OF COMPLIANCE – 1910 CENTRAL AVENUE (DEP FILE #234-748)**

M. Varrell explained that the re-construction of a garage/barn destroyed by a fire is completed. The Applicant had hoped to preserve two (2) trees on the site but ended up saving one (1) tree. Two (2) red maple trees have been installed for the one (1) tree removed. He noted that the ground around the building is not fully stabilized and the erosion control is in a state of disrepair. Although seed had been installed, with the lack of rain, lack of mulching and the watering ban in effect, it is a challenge to grow grass. The recent rain may help the seed germinate.

M. Varrell suggested the Commission hold off issuing the Certificate of Compliance until the next Meeting in two weeks to give the site a chance to fully stabilize. There is some concern regarding an area of runoff and potential movement of soil. The Commission suggested the Applicant spread additional seed. The Commission agreed to table the Request to the next meeting on October 13<sup>th</sup>.

### **REQUEST FOR A CERTIFICATE OF COMPLIANCE – 62 BROOKSIDE ROAD (DEP FILE #234-193)**

D. Anderson stated that this Order of Conditions had been issued for a small grading project on the property in 1990 that has long since been completed. She recommended the Commission issue a complete Certificate of Compliance.

***Motion to issue a Certificate of Compliance for 62 Brookside Road (DEP File #234-193) by S. Farr, seconded by P. Oehlkers, approved 6-0-0.***

**REQUEST FOR CERTIFICATE OF COMPLIANCE – 1332 GREAT PLAIN AVENUE (DEP FILE #234-570)**

J. Carter Bernardo gave an overview of the existing situation at 1332 Great Plain Avenue. As a result of the Applicant disturbing more land than the 5,000 square feet maximum allowed within Riverfront Area, the Applicant was instructed to hire a professional to draft a restoration plan for the Commission's review and approval. In addition, monumentation was required to be installed to delineate the limit of disturbance. The Applicant used boulders as monumentation.

The Applicant, Bruce Ricciardelli and his Landscape Architect, Angie Verge presented the Restoration Plan to the Commission. The Restoration Plan consisted of the removal of bark mulch, the removal of sod and the installation of seven (7) native trees and twenty-seven (27) native shrubs. A native wetland plant seed mix is also proposed which the Commission suggested they increase the rate of application of because it is late in the season. Once implemented, the Restoration Plan will result in the total "disturbed" area falling below the 5,000 square foot alteration threshold to 4,953 square feet.

Mr. Ricciardelli asked if the Commission would issue the Certificate of Compliance as he is scheduled to close on the sale of the house the following Monday. J. Carter Bernardo explained that the Commission would like to see the restoration take place as soon as possible and they will not issue a complete Certificate of Compliance until it is completed. M. Varrell added that a two year plant monitoring condition will be required prior to issuance of a complete COC, therefore; the Applicant will need to request an Amendment to his existing Order of Conditions. M. Varrell stated that he had prepared an Enforcement Order that would require the Applicant to file a Request to Amend their Permit by October 13<sup>th</sup> and begin the restoration work immediately.

The Applicant was required to submit a Deed Restriction for review and approval by the Commission, prior to recording. M. Varrell stated that the Commission had reviewed the draft Restriction. M. Varrell had sent the Commission's revisions to Mr. Ricciardelli to implement and also required that a plan showing the location of the permanent bounds/limit of disturbance be recorded with the Deed Restriction.

***Motion to issue an Enforcement Order to Bruce Ricciardelli for work beyond the scope of his Permit (DEP File #234-570) at 1332 Great Plain Avenue by P. Oehlkers, seconded by C. Rhoades, approved 7-0-0.***

***Motion to adjourn the meeting by S. Soltzberg, seconded by P. Oehlkers, approved 7-0-0.***

***The meeting was adjourned at 9:30 pm.***

**NEXT PUBLIC MEETING**

*Thursday, October 13, 2016 at 7:30 PM in the Public Services Administration Building, Charles River Room.*